

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #14	CCRB Case #: 201800172	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/27/2017 1:41 AM	Location of Incident: § 87(2)(b)	Precinct: 113	18 Mo. SOL 6/27/2019	EO SOL 6/27/2019	
Date/Time CV Reported Sat, 01/06/2018 8:30 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 01/06/2018 8:30 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nolan Kelly	07898	960755	113 PCT
2. SGT Steven Gansrow	00301	928345	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Thomas Komoroski	24522	954027	113 PCT
2. POM Daniel Decario	31781	954706	113 PCT
3. POM Christopher Cascio	31902	954611	113 PCT
4. POM Stephen Intrabartola	06941	961829	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Steven Gansrow	Abuse: At § 87(2)(b) in Queens, Sergeant Steven Gansrow did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
B.SGT Steven Gansrow	Abuse: At § 87(2)(b) in Queens, Sergeant Steven Gansrow threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
C.POM Nolan Kelly	Abuse: At the 113th Precinct stationhouse, Police Officer Kelly Nolan did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)

Case Summary

On January 6, 2018, § 87(2)(b) filed this complaint via the CCRB's website.

On December 27, 2017, at approximately 2:20 a.m., Sergeant Steven Gansrow, Police Officer Stephen Intrabartola, Police Officer Nolan Kelly, Police Officer Christopher Cascio, and additional officers, all from the 113th Precinct, responded to § 87(2)(b) in Queens and arrested § 87(2)(b) for § 87(2)(b). Sgt. Gansrow allegedly refused to obtain medical attention for § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g)), and threatened her with the use of force (**Allegation B: Abuse of Authority**, § 87(2)(g)). At the 113th Precinct stationhouse, PO Kelly allegedly ignored § 87(2)(b)'s request for medical attention (**Allegation C: Abuse of Authority**, § 87(2)(g)).

The criminal case against § 87(2)(b) stemming from this incident remains open, with her next court appearance scheduled for § 87(2)(b) (Board Review 15).

There is no video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: At § 87(2)(b) in Queens, Sergeant Steven Gansrow did not obtain medical treatment for § 87(2)(b)

Allegation (B) Abuse of Authority: At § 87(2)(b) in Queens, Sergeant Steven Gansrow threatened § 87(2)(b) with the use of force.

§ 87(2)(b) (Board Review 01) said she called 911 and reported that her boyfriend had physically assaulted her. Sgt. Gansrow, PO Intrabartola, PO Kelly, PO Cascio, all identified via investigation, and approximately eight other officers arrived in front of § 87(2)(b)'s home. § 87(2)(b) told the officers what had happened, complained of injuries to her face (Board Review 02), and requested medical attention. § 87(2)(b) was told the officers needed to investigate the incident before deciding whether she would go to the hospital. Two officers, neither of whom § 87(2)(b) could describe, remained outside of the home with § 87(2)(b) while the other officers entered the home.

Sgt. Gansrow subsequently approached § 87(2)(b) and told her she was under arrest for assaulting her boyfriend, who they alleged she had seriously injured. § 87(2)(b) said she had defended herself against the boyfriend and was injured and needed medical attention. Sgt. Gansrow said § 87(2)(b) had no injuries and would instead be going to jail. Sgt. Gansrow ordered § 87(2)(b) to empty her pockets. § 87(2)(b) placed her hands in her side pockets, at which point Sgt. Gansrow placed his hand on his holstered gun. Sacred, § 87(2)(b) and § 87(2)(b)'s sister who was also present, asked Sgt. Gansrow why his hand was on his gun. Sgt. Gansrow replied, "I have seen the other guy. I don't know what you are capable of." § 87(2)(b) emptied her pockets, was placed in handcuffs, and was transported to the 113th Precinct stationhouse.

§ 87(2)(b) (Board Review 04) provided a phone statement to the CCRB that was generally consistent with § 87(2)(b)'s account, adding that though there was an ambulance at the scene, § 87(2)(b) never received medical attention despite her numerous requests to go to the hospital. § 87(2)(b) did not recall observing any injuries on § 87(2)(b) but said § 87(2)(b) repeatedly complained to officers that her face was sore. At some point, Sgt. Gansrow placed his hand on his gun while ordering § 87(2)(b) to empty her pockets, and when § 87(2)(b) and § 87(2)(b) asked why he did that, Sgt. Gansrow replied, "I don't know what she is capable of."

§ 87(2)(b)'s brother, § 87(2)(b) (Board Review 05), also provided a brief phone statement. He said he remained by his vehicle throughout the incident and did not observe any interactions between § 87(2)(b) and officers. § 87(2)(b) did not see any officer place their hand on their gun while interacting with § 87(2)(b).

Sgt. Gansrow (Board Review 06) had no independent recollection of this incident. His memo book only notes that he went to the location in response to a radio run regarding an assault in progress (Board Review 07). Sgt. Gansrow did not recall refusing to obtain medical treatment for § 87(2)(b) nor did he recall placing his hand on his gun and saying he did not know what § 87(2)(b) was capable of.

PO Intrabartola (Board Review 08), PO Kelly (Board Review 09), and PO Cascio (Board Review 10), all acknowledged their presence during this incident and said that Sgt. Gansrow was the only supervisor on scene. (Therefore, the refusal to obtain medical attention allegation has been pleaded against Sgt. Gansrow).

PO Intrabartola said he and Sgt. Gansrow spoke to § 87(2)(b) briefly upon their arrival, but he did not recall if she ever requested medical attention. PO Intrabartola and Sgt. Gansrow went inside § 87(2)(b)'s home and encountered § 87(2)(b)'s boyfriend, who had "a hole" in his head and was bleeding, and alleged that § 87(2)(b) repeatedly hit him in the head with a stiletto heel. An ambulance was called for § 87(2)(b)'s boyfriend. PO Intrabartola remained with § 87(2)(b)'s boyfriend until EMS arrived and had no subsequent interactions with § 87(2)(b) nor did he witness any between her and Sgt. Gansrow. PO Intrabartola denied witnessing both allegations.

PO Kelly said he and PO Cascio took § 87(2)(b)'s boyfriend's statement, took photos of his injuries, and vouchered the stiletto heel as arrest evidence. They did not interact with § 87(2)(b) at the scene, but they transported her to the 113th Precinct stationhouse. PO Kelly did not observe any injuries on § 87(2)(b) and did not recall witnessing the allegations.

PO Cascio said that upon their arrival at the scene, he was one of the officers who stood next to § 87(2)(b) but he did not recall observing any injuries on her. PO Cascio denied entering § 87(2)(b)'s home, but said he stood with § 87(2)(b)'s boyfriend on the front patio while they waited for the ambulance. PO Cascio did not recall observing any interactions between § 87(2)(b) and Sgt. Gansrow.

§ 87(2)(g)

Allegation (C) Abuse of Authority: At the 113th Precinct Stationhouse, Police Officer Kelly Nolan did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) said that at the 113th Precinct stationhouse, she was seated on a bench in the holding cell area when PO Kelly approached and introduced himself as her arresting officer. PO Kelly left, but returned a few hours later. At that time, § 87(2)(b) told him she needed medical treatment. PO Kelly said they would discuss that after she had been fingerprinted, but they never did and § 87(2)(b) never received medical treatment while she was in police custody. No other civilians or officers were present near the holding cell area when § 87(2)(b) requested medical treatment.

PO Kelly acknowledged lodging § 87(2)(b) in a holding cell and processing her arrest, but he denied that § 87(2)(b) requested medical attention at the stationhouse. PO Kelly denied refusing to obtain medical treatment for § 87(2)(b).

PO Cascio denied being present during this aspect of the incident.

There was no Medical Treatment of Prisoner Report prepared for § 87(2)(b) (Board Review 12) and § 87(2)(b)'s arrest photo does not depict any visible injuries (Board Review 03). The 113th Precinct Command Log notes § 87(2)(b)'s condition as "appears normal," and makes no mention of a request for medical attention or transport to the hospital (Board Review 11).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 13).
- Sgt. Gansrow has been a member-of-service for 17 years and has been a subject in five CCRB complaints and 13 allegations, of which two were substantiated:
 - Case #200917537 involved substantiated allegations of stop and frisk against Sgt. Gansrow. The Board recommended charges and the NYPD has not yet imposed discipline.
 - § 87(2)(g)
- PO Kelly has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On July 17, 2018, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller, and the inquiry is still pending. The results will be added to the case file upon receipt (Board Review 14).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 15).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date